

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

THOMAS EDWARD NESBITT, ) 4:10CV3099  
 )  
Petitioner, )  
 )  
v. )  
 )  
ROBERT HOUSTON, Director, State )  
of Nebraska Department of )  
Correctional Services, )  
 )  
Respondent. )

**MEMORANDUM  
AND ORDER**

This matter is before the court on Petitioner's Motion to Reopen Case. (Filing No. [41](#).) Liberally construed, Petitioner asks the court to reopen this case in return for the testimony he provided in [\*Russell v. Houston, et al.\*, Case No. 4:09CV3249 \(D. Neb. 2009\)](#), an entirely unrelated matter. Upon careful consideration,

IT IS ORDERED that: Petitioner's Motion to Reopen Case (filing no. [41](#)) is denied.

DATED this 22<sup>nd</sup> day of November, 2011.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge

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